

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

Stephen K. Merriman

Debtor

Case # 10-bk-63746

Chapter 13

Judge Caldwell

MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN

Now comes the Debtor, by and through counsel, and hereby moves to modify his confirmed Chapter 13 Plan.

1. PARTICULAR REFERENCE TO PROVISIONS BEING MODIFIED:

Plan payments- the plan payments shall be as follows:

\$3,500.00 per month for November 2013
and for each month thereafter until the end of the plan. The Debtor will make two additional lump sum payments of \$2,500.00 in months 59 and 60.

State of Ohio tax claims-

The sales tax debt is owed to the State of Ohio by Techknowlogic, LLC. This is a contingent claim for which the Debtor is not liable unless the entity who is responsible for the debt fails to pay. The contingent claim shall continue to be liquidated by the Obligor, Techknowlogic, LLC. There shall be no distributions from the Chapter 13 estate on any portion of the claims labeled as sales tax, including the interest and penalty portions of the State of Ohio's claims (Claim #11 and Claim #13, as updated).

The income tax portions of claim #11 (tax claim and interest) shall be paid through the Chapter 13 estate as priority claims. The penalties of the income tax portions of the claim shall be treated as general unsecured claims.

The modification has been necessitated by the fact that Mr. Merriman is now divorced and his income and expenses have changed (See Amended Schedules I and J, filed 11-25-13). He is now responsible for health insurance and prescriptions, which have reduced his disposable income. Additionally, Techknowlogic, LLC is the obligor on the sales tax debt owed to the State of Ohio. Therefore, the LLC will pay the sales tax debt directly to the State of Ohio.

The modified payments and clarification of the tax claims will permit the Debtor to complete his chapter 13 plan of reorganization within the time provisions of *11 USC § 1322(d)*.

2. EFFECT OF MODIFICATION ON CREDITORS AND OTHER PARTIES IN INTEREST:

The proposed modification does not adversely affect creditors.

3. LAST CONFIRMATION ORDER:

This case was originally confirmed on January 20, 2011 (Doc #21). No other post confirmation modifications have since occurred.

4. PERCENTAGE TO UNSECURED:

The modified plan does not propose to modify the dividend to unsecured claimholders.

5. THE EFFECT ON MONTHLY PAYMENT:

The monthly payments shall be modified as provided in paragraph 1 herein.

/s/ John F. Cannizzaro
John F Cannizzaro # 0005096
CANNIZZARO, BRIDGES
JILLISKY & STRENG, LLC
302 S. Main Street
Marysville, OH 43040
Telephone: 937-644-9125
Fax: 937-644-0754
jsheets@cfbjlaw.com

/s/ Stephen K. Merriman
Stephen K. Merriman

B6I (Official Form 6I) (12/07)

In re **Stephen K Merriman**

Case No. **2:10-bk-63746**

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Divorced	RELATIONSHIP(S): Daughter Son	AGE(S): 10 6
Employment:	DEBTOR	SPOUSE
Occupation	owner	
Name of Employer	Techknowlogic, Ltd	
How long employed	11 years	
Address of Employer	115 E. 5th St Marysville, OH 43040	

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	DEBTOR \$ 9,683.53	SPOUSE \$ N/A
2. Estimate monthly overtime	\$ 0.00	\$ N/A

3. SUBTOTAL	\$ 9,683.53	\$ N/A
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4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 3,183.53	\$ N/A
b. Insurance	\$ 0.00	\$ N/A
c. Union dues	\$ 0.00	\$ N/A
d. Other (Specify):	\$ 0.00	\$ N/A
	\$ 0.00	\$ N/A

5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 3,183.53	\$ N/A
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6. TOTAL NET MONTHLY TAKE HOME PAY	\$ 6,500.00	\$ N/A
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7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ 0.00	\$ N/A
8. Income from real property	\$ 0.00	\$ N/A
9. Interest and dividends	\$ 0.00	\$ N/A

10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ 0.00	\$ N/A
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11. Social security or government assistance (Specify):	\$ 0.00	\$ N/A
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	\$ 0.00	\$ N/A
12. Pension or retirement income	\$ 0.00	\$ N/A

13. Other monthly income (Specify): draw from techknowlogic, Ltd.	\$ 1,800.00	\$ N/A
	\$ 0.00	\$ N/A

14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 1,800.00	\$ N/A
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15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ 8,300.00	\$ N/A
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16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ 8,300.00	
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(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:
None.

B6J (Official Form 6J) (12/07)

In re **Stephen K Merriman**

Case No. **2:10-bk-63746**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	0.00
a. Are real estate taxes included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is property insurance included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
2. Utilities:	\$	301.00
a. Electricity and heating fuel	\$	40.00
b. Water and sewer	\$	0.00
c. Telephone	\$	0.00
d. Other _____	\$	0.00
3. Home maintenance (repairs and upkeep)	\$	100.00
4. Food	\$	450.00
5. Clothing	\$	100.00
6. Laundry and dry cleaning	\$	45.00
7. Medical and dental expenses	\$	90.00
8. Transportation (not including car payments)	\$	500.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	187.00
b. Life	\$	100.00
c. Health	\$	437.00
d. Auto	\$	67.00
e. Other _____	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) real estate taxes	\$	670.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	0.00
b. Other _____	\$	0.00
c. Other _____	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other See Detailed Expense Attachment	\$	1,707.72

18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$ **4,794.72**

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

None.

20. STATEMENT OF MONTHLY NET INCOME

a. Average monthly income from Line 15 of Schedule I	\$	8,300.00
b. Average monthly expenses from Line 18 above	\$	4,794.72
c. Monthly net income (a. minus b.)	\$	3,505.28

B6J (Official Form 6J) (12/07)

In re Stephen K Merriman

Case No. 2:10-bk-63746

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED
Detailed Expense Attachment

Other Expenditures:

<u>child support</u>	\$	<u>1,307.72</u>
<u>personal expenses</u>	\$	<u>100.00</u>
<u>prescriptions</u>	\$	<u>300.00</u>
<u>Total Other Expenditures</u>	\$	<u>1,707.72</u>

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
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IN RE:

Stephen K. Merriman

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Case # 10-bk-63746

Chapter 13

Judge Caldwell

NOTICE OF MOTION

Debtor, Stephen K. Merriman has filed papers with the court to obtain a Motion to Modify his Confirmed Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

United States Bankruptcy Clerk's Office
170 N. High Street
Columbus, OH 43215

OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

John F. Cannizzaro
302 S. Main Street
Marysville, OH 43040;

Frank M. Pees, Chapter 13 Trustee
130 E. Wilson Bridge Rd., # 200
Worthington, OH 43085;

U.S. Trustee's Office
170 N. High St., Suite 200
Columbus, OH 43215;

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

Date: November 25, 2013

/s/ John F. Cannizzaro
John F. Cannizzaro #0005096
302 S. Main Street
Marysville, OH 43040

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

Stephen K. Merriman

Debtor

Case # 10-bk-63746

Chapter 13

Judge Caldwell

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2013, a copy of the foregoing Motion to Modify Confirmed Chapter 13 Plan was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

Frank M. Pees, Chapter 13 Trustee;
U.S. Trustee's Office;
Bethany Hamilton on behalf of Defendant United States of America;
Courtney Domel on behalf of Creditor Fifth Third Bank;
Brian M. Gianangeli on behalf of Creditor Ohio Department of Taxation;
Alison A. Gill on behalf of Creditor Fifth Third Bank;
William B. Logan, Jr on behalf of Creditor Farm Credit Services of Mid-America;
Scott D. Rudnick on behalf of Creditor Abby Merriman;

and on the following by **ordinary U.S. Mail** addressed to:

Stephen K. Merriman
21878 Main Street
Raymond OH 43067;

The Ohio Department of Taxation
Bankruptcy Division
Attn: Rebecca Daum, Attorney
P.O. Box 530
Columbus, OH 43216;

Techknowlogic, LLC
115 E. 5th Street
Marysville, OH 43040;

Farm Credit Services
P O Box 478
Bellefontaine, OH 43311;

Attorney General of the State of Ohio, Collection Enforcement
150 E. Gay Street, 21st Floor
Columbus, OH 43215;

And all Creditors on the attached matrix.

/s/ John F. Cannizzaro
JOHN F. CANNIZZARO #0005096
CANNIZZARO, BRIDGES,
JILLISKY & STRENG, LLC
Attorneys at Law
302 S. Main Street
Marysville, OH 43040
937-644-9125 telephone
937-644-0754 fax
jsheets@cjbjlaw.com

Label Matrix for local noticing

0648-2

Case 2:10-bk-63746

Southern District of Ohio

Columbus

Mon Nov 25 16:15:34 EST 2013

Abby Merriman

115 Hickory St

New Madison, OH 45346-9767

John F Cannizzaro

302 South Main Street

Marysville, OH 43040-1556

Discover Bank

Dfs Services LLC

PO Box 3025

New Albany OH 430543025

Equus Computer Systems, Inc

5801 Clearwater Dr

Hopkins, MN 55343-8988

Fcs Of Midam

P.O. Box 34390

Louisville, KY 40232-4390

Fifth Third Bank

Mail Drop 109065-3110

38 Fountain Square Plaza

Cincinnati, OH 45263-3110

Gemb/kinetico

Po Box 981439

El Paso, TX 79998-1439

Alison A Gill

655 Cooper Road

Westerville, OH 43081-8962

John & Sharon Merriman

17604 Cradler-Turner Rd

Marysville, OH 43040-8832

5/3 Bank CC

5050 Kingsley Dr

Cincinnati, OH 45227-1115

Asst US Trustee (Col)

Office of the US Trustee

170 North High Street

Suite 200

Columbus, OH 43215-2417

Capital Recovery III LLC

c/o Recovery Management Systems Corporat

25 SE 2nd Avenue Suite 1120

Miami FL 33131-1605

Discover Fin

Attention: Bankruptcy Department

Po Box 6103

Carol Stream, IL 60197-6103

Farm Credit Services

P.O. Box 478

Bellefontaine, OH 43311-0478

Fifth Third Bank

1850 East Paris, MDROPS05

co/ Bankruptcy Dept

Grand Rapids, MI 49546-6253

Fifth Third Bank

P.O. Box 829009

Dallas, TX 75382-9009

Gembppbycr

Attention: Bankruptcy

Po Box 103104

Roswell, GA 30076-9104

Hilco Rec

Attn: Bankruptcy

1120 Lake Cook Road Suite B

Buffalo Grove, IL 60089-1970

William B Logan Jr

50 West Broad Street

Suite 1200

Columbus, OH 43215-5907

Abby E. Merriman

115 Hickory

New Madison, OH 45346-9767

CBCS

P.O. Box 1838

170 East Town St.

Columbus, OH 43215-4608

Central Ohio Primary Care

570 Polaris Parkway, Ste 250

Westerville, OH 43082-7923

Courtney Domel

National Bankruptcy Services, LLC

9441 LBJ Freeway, Suite 250

Dallas, TX 75243-4640

Farm Credit Services of Mid-America

1540 US Highway 62 SW

Washington Court House, OH 43160-8849

Fifth Third Bank

5050 Kingsley Dr

Cincinnati, OH 45227-1115

GE Money Bank

c/o Recovery Management Systems Corporat

25 SE 2nd Ave Suite 1120

Miami FL 33131-1605

Brian M Gianangeli

6305 Emerald Parkway

Dublin, OH 43016-3241

(p)INTERNAL REVENUE SERVICE

CENTRALIZED INSOLVENCY OPERATIONS

PO BOX 7346

PHILADELPHIA PA 19101-7346

Abby Merriman

115 Hickory Drive

New Madison, OH 45346-9767

Stephen K Merriman
21878 Main Street
Raymond, OH 43067-9758

Midland Funding LLC
by American InfoSource LP as agent
PO Box 4457
Houston TX 772104457

Midland Funding LLC by American InfoSource L
PO Box 4457
Houston, TX 77210-4457

Ohio Department of Taxation
Bankruptcy Division
P.O. Box 530
Columbus, OH 43216-0530

Frank M Pees
130 East Wilson Bridge Road
Suite 200
Worthington, OH 43085-2391

Portfolio Investments I LLC
c/o Recovery Management Systems Corp
25 SE 2nd Avenue Suite 1120
Miami, FL 33131-1605

Portfolio Investments II LLC
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue Suite 1120
Miami, FL 33131-1605

Recovery Management Systems Corporation
25 SE 2nd Avenue, Suite 1120
Miami, Fl 33131-1605

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Reliant Capital Solutions
750 Cross Pointe Rd., Ste G
Columbus, OH 43230-6692

Scott D Rudnick
121 West Third Street
Greenville, OH 45331-1408

State of Ohio Department of Taxation
Attn: Bankruptcy Division
P.O. Box 530
Columbus, OH 43266-0030

State of Ohio Dept of Taxation
P.O. Box 1090
Columbus, OH 43266-0001

State of Ohio Revenue Recovery AG
150 E. Gay St 21st Fl Bankruptcy Dept
Columbus, OH 43215-3130

U.S. Attorney General's Office
303 Marconi Blvd #200
Columbus, OH 43215-2326

U.S. Attorney General's Office
Main Justice Bldg Room 5111
10th & Constitution Ave NW
Washington, DC 20530-0001

Union County Treasurer
P.O.Box 420
Marysville, OH 43040-0420

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service
P O Box 21126
Philadelphia, PA 19114-0326

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Farm Credit Services of Mid-America

(u)Fifth Third Bank

(d)John and Sharon Merriman
17604 Cradler Turner Rd
Marysville, OH 43040-8832

Bankruptcy Division

P.O. Box 530

Columbus, OH 43216-0530

Document

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End of Label Matrix

Mailable recipients 46

Bypassed recipients 5

Total 51